

REMARKS

Reconsideration of the above-identified patent application, as amended, is respectfully requested.

At the outset, applicants note that the drawings are still indicated as being objected to. Applicants dealt with the objection to the drawings in their amendment accompanying the filing of the RCE by canceling claims containing the objected to subject matter. Withdrawal of the objection to the drawings is therefore respectfully requested.

Claims 51-54 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification. Specifically, the examiner has cited the “means for protecting,” the “means for allowing,” the “means for distinguishing,” and the “means for providing temperature resistance” of claims 51-54 respectively as failing to appear in the written description, and that these claims terms therefore constitute new matter. Applicants’ disagree, and direct the examiner to page 17, line 16 – page 18, line 4 of applicants’ specification for textual support for these limitations. For example, at page 17, lines 16-19, applicants’ specification recites “the housing or cover 11, 111 . . . may protect the lever 14, 114 from dust, from chipping, and the like.” This passage fully supports the language of claim 51. As another example, applicants’ specification recites at page 17, lines 19-22 “[i]n addition, anatomically correct or representative protrusions such as the ears 41, 42, forehead or top surface 22, 122, and eyes 44 allow a user to simultaneously maintain a grip on the coupling

device 10, 110 while moving the lever 14, 114 to the open position . . .” This passage fully supports the language of claim 52. As a further example, applicants’ specification recites at page 17, lines 29-30 “The cover 11, 111 also may help distinguish, by feel and/or by sight, one device, such as a leash or key chain, from another.” This passage fully supports the language of claim 53. As a final example, applicants’ specification recites at page 18, lines 1-4 “The cover or housing may also provide temperature resistance from the bare metal of the frame assembly 13, 113 and/or mounting assembly 12, 112, if these assemblies are chosen to be made from metal, which they need not be.” This passage fully supports the language of claim 54. Applicants’ accordingly request withdrawal of the 35 U.S.C. § 112, first paragraph rejection of claims 51-54.

Claims 41-60 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Firstly, the preambles of claims 41 and 56 recite “for attaching to an anchor member” and that these claims elsewhere positively recite the anchor member. Applicants have herein amended claims 41 and 56 in relation to the lever limitation to include the limitation that the mouth defined by the frame defines an opening thereto and to replace the phrase “open position that allows the anchor member to be received within, and removed from, the mouth and a closed position that retains the anchor member within the mouth” with the phrase “a first position in which the distal end of the lever covers the opening of the mouth and a second position in which the distal end of the lever does not cover the opening of the mouth.” Other portions of claim 41 and 56, as well as claim 42, have been amended consistently with this language.

Additionally, the phrase "applied thereto" is cited as being unclear as to what element it modifies. Applicants have herein amended claims 41 to make clear that the direct pushing force is applied to the manipulation portion of the lever. The phrase "normally biasing" of claim 41 is also cited as being unclear. Applicants have herein amended claim 41 to recite "the biasing member biasing the lever toward the first position." Finally, the phrase "means for providing temperature resistance" of claim 54 is cited as being unclear. The examiner is correct in that this phrase is intended to convey that the means acts as a thermal insulator relative to the metal of the frame assembly, and applicants have accordingly amended claim 54 herein as suggested by the examiner. By these amendments, applicants' believe that the 35 U.S.C. § 112, second paragraph, rejections have been obviated.

Substantively, claims 41-42 and 44-58 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Pub. No. 2003/0030310 (hereinafter "Anthony"). Claim 43 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Anthony in view of U.S. Patent No. 3,083,431 to Lewis, and claims 59-60 stand rejected under U.S.C. § 103(a) as being unpatentable over Anthony in view of U.S. Patent No. 1,273,717 to Anderson. For at least the following reasons, applicants respectfully traverse these rejections.

Applicants' independent claims 41 and 56 are rejected as being anticipated by Anthony. However, a claim is anticipated under 35 U.S.C. § 102 only if each and every

limitation of the claim is disclosed either expressly or inherently in a single prior art reference. MPEP §2131. Here, the Examiner has failed to make a prima facie showing of anticipation under 35 U.S.C. § 102(b) because Anthony does not show or disclose each and every limitation of applicants' claims 41 and 56, either expressly or inherently. For example, Anthony does not show or disclose a coupling device having "a frame defining a void therein and a first opening to the void" and "a lever defining a manipulation portion between the mounting location and the distal end, the manipulation portion responsive to a direct pushing force applied thereto to extend through the first opening and into the void when the lever moves . . ." as required by applicants' claim 41, or "the lever having a manipulation portion responsive to a pushing force applied directly to the manipulation portion to move the lever . . ." as required by applicants' claim 56. As identified by the examiner, the Anthony device includes a lever (363) having mounting location (378) and a distal end (380), and a "manipulation" portion between the mounting location (378) and the distal end (380). However, the "manipulation portion" of the Anthony lever (363) is not acted upon directly; rather the proximal end (382) of the lever (363) is acted upon by the manipulation assembly (365) to move the lever (363). Thus, the "manipulation" portion of the Anthony lever (363) is not "responsive to a direct pushing force applied thereto to extend through the first opening and into the void when the lever moves . . ." as required by applicants' claim 41, and does not have "a manipulation portion responsive to a pushing force applied directly to the manipulation portion to move the lever . . ." as required by applicants' claim 56. As such, applicants' claims 41 and 56 each include at least one limitation that is neither shown nor disclosed by Anthony, either expressly or inherently, and

withdrawal of the 35 U.S.C. § 102(b) rejections of claims 41 and 56 is therefore respectfully requested. Because claims 42-55 depend from claim 41 and claims 57-60 depend from claim 56, and thereby add further limitations to these claims, rejections of these dependent claims are traversed for the same reasons just given with respect to claims 41 and 56.

Applicants' claim 56 further includes the limitation of "a cover . . . defining a plurality of surfaces that are configured to resemble at least a nose, eyes and ears on a head of a dog." The examiner cites Anthony as disclosing a cover "defining a plurality of surfaces that are configured to resemble corresponding portions of a head of a dog." However, the examiner does not identify any drawing in the Anthony document that shows such features, nor does the examiner cite any passage of the Anthony specification that describes such features. Applicants assert that, in fact, Anthony does not show or disclose any such features, and a 35 U.S.C. §102(b) rejection of claim 56 is therefore improper for yet another reason.

It is respectfully requested that this paper be considered as a Petition for a three-month extension of time for responding to the January 18, 2008 Office Action. The commissioner is hereby authorized to charge the fee for such an extension of time to the Account of Barnes & Thornburg LLP, Deposit Account No. 10-0435 with reference to file 2835-74916. The commissioner is further authorized to charge additional fees for any further extensions of time necessary to effect a timely response in this case, but not

to include issue fees, to the Account of Barnes & Thornburg LLP, Deposit Account No. 10-0435 with reference to file 2835-74916.

Applicants' believe that claims 41-60 are now condition for allowance, and such action is solicited. The Examiner is cordially invited to contact the undersigned by telephone to discuss any unresolved matters.

Respectfully submitted,



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